

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

DEMO ROACH
REG. #09090-04

PETITIONER

VS.

2:08CV00092 BSM/JTR

T.C. OUTLAW,
Warden, FCI Forrest City;
J. DODD, RDAP
Coordinator, FCI Forrest City

RESPONDENTS

ORDER

Petitioner has filed a Motion to Stay this § 2241 habeas case. (Docket entry #5.) This case is one of a number filed by federal prisoners in the Eastern District of Arkansas attacking the BOP's categorical denial of sentence reduction, despite the completion of the Residential Drug Abuse Program ("RDAP"), based on certain groups of offenses. The Federal Public Defender's Officer has been appointed to represent Petitioner and others similarly situated in the Eastern District of Arkansas.

According to Petitioner, the issue involved in his case is identical to a case arising from the Eastern District of Arkansas that is now pending before the Eighth Circuit Court of Appeals, *Gatewood v. Outlaw*, 8th Circuit No. 08-2197. Petitioner contends that the outcome in *Gatewood* will be dispositive in his case, and that a stay will preserve judicial resources. Respondent has no objection to a stay, and other RDAP cases have been similarly stayed. *See e.g., Perez v. Outlaw*, E.D. Ark. 2:08CV00106 WRW/BD (staying RDAP case pending outcome in *Gatewood*); *Martin v. Outlaw*, E.D. Ark. No. 2:08CV00061 JLH/HDY (same).

Without objection from Respondent, the Court will grant Petitioner's Motion.

IT IS THEREFORE ORDERED THAT:

1. Petitioner's Motion to Stay (docket entry #5) is GRANTED.
2. This case is stayed pending the disposition of *Gatewood v. Outlaw*, 8th Circuit No. 08-2197. Petitioner is directed to notify the Court within 30 days of the issuance of the appellate mandate in *Gatewood*.

Dated this 14th day of July, 2008.


UNITED STATES MAGISTRATE JUDGE